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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,687

08/11/2003

Kun-chih Lin

ADTP0067USA

1686

27765

7590

07/26/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)

P.O. BOX 506

MERRIFIELD, VA 22116

EXAMINER

GUERRERO, MARIA F

ART UNIT

PAPER NUMBER

2822

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,687

Applicant(s)

LIN, KUN-CHIH

Examiner

Maria Guerrero

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-25-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This Office Action is the First Office Action on the merits.

Claims 1-22 are pending

#### ***Specification***

2. The disclosure is objected to because of the following informalities: in paragraphs 0009-0010, the specification recites "processwhich" "crystallizationprocess".

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Information Disclosure Statement***

4. The information disclosure statement filed May 25, 2004 has been considered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8-9 and 19-20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for uses an excimer laser to irradiate the amorphous film, to form a polysilicon film in the first region, does not reasonably provide

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enablement for the amorphous silicon film in the second region become completely melted and the amorphous silicon film in the first region become partially melted. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification describes the amorphous silicon film in the first region being completely melted and the amorphous silicon film on the second region not melted or partially melted (see paragraph 0019).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Harkin et al. (U.S. 5,705,413).

Harkin et al. teaches a method of forming a polysilicon film by an excimer laser crystallization process (Abstract). Harkin et al. shows providing a substrate (having a buffer layer) defined with a first region and a second region (Fig. 1-2, col. 7, lines 1-25, col. 10, lines 1-10). Harkin et al. discloses forming an amorphous silicon film on the substrate, forming a mask layer on the amorphous silicon film, performing a first photo-etching process to remove the mask layer on the first region (Fig. 3-5, 13-14, col. 5,

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lines 50-65 col. 6, lines 1-20, col. 7, lines 24-67, col. 12, lines 49-67, col. 13, lines 1-17).

Harkin et al. teaches forming a heat-retaining capping layer covering the mask layer and the amorphous silicon film (Fig. 3-5, col. 7, lines 40-67).

Furthermore, Harkin et al. shows performing the excimer laser crystallization process to make the amorphous silicon film in the first region crystallize to a polysilicon film (Fig. 5, col. 6, lines 1-20, col. 8, lines 9-25). Harkin et al. discloses an etching process to remove the heat-retaining layer, the mask layer, and to etch the portions of the amorphous film after forming the polysilicon film (Fig. 13-14, col. 4, lines 24-35, col. 9, lines 40-45, col. 13, lines 1-17). Harkin et al. teaches the mask layer and the heat-retaining capping layer comprising silicon oxide, silicon nitride, silicon oxynitride or a metal (col. 3, lines 47-50, 63-67, col. 4, lines 1-4).

In addition, Harkin et al. describes the masking pattern (20,21) having a thermally-stable absorbent layer or reflective inorganic material and an insulating layer having sufficient thickness to mask the amorphous film. Therefore, Harkin et al. anticipated both recitations: forming a heat-retaining capping layer covering the mask and forming a mask layer on the heat-retaining capping layer (Abstract, col. 2, lines 58-67, col. 3, lines 1-5, col. 3, lines 25-67, col. 4, lines 1-24). In addition, the elements must be arranged as required by the claim, but this is not an *ipse dixit* test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-11 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkin et al. (U.S. 5,705,413) in view of Kawasaki et al. (U.S. 6,426,245).

8. Regarding claims 10-11 and 21-22, Harkin et al. does not specifically show the long duration laser having a period in a range of about 150 to 250 ns. However, Kawasaki et al. teaches the excimer laser having a period from several nanoseconds through several hundred nanoseconds (col. 4, lines 58-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to specify any desired period on Harkin et al. reference as taught by Kawasaki et al. in order to optimize the laser conditions and better control the crystallizing growth (Kawasaki et al., col. 4, lines 58-67).

In addition, it is the examiner's position that the period in a range of about 150 to 250 ns it is not critical to the invention. Therefore, "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

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***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zhang et al. (U.S. 5,648,662), Nakajima et al. (U.S. 6,001,714), Yuda (U.S. 6,118,139), Takemura (U.S. 5,581,092), Yamazaki et al. (U.S. 5,308,998), Yamazaki et al. (U.S. 5,693,541), and Harkin et al. (WO 97/15949) show several steps related to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 23, 2004

  
**MARIA F. GUERRERO**  
**PRIMARY EXAMINER**